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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,245	09/28/2001	Steven L. McDonald	BELL-0135/01179	5160
38952	7590	08/16/2004	EXAMINER	
WOODCOCK WASHBURN LLP ONE LIBERTY PLACE - 46TH FLOOR PHILADELPHIA, PA 19103			LE, DIEU MINH T	
		ART UNIT	PAPER NUMBER	
		2114		

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

(Q)

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/966,245	MCDONALD, STEVEN L.
	<b>Examiner</b>	<b>Art Unit</b>
	Dieu-Minh Le	2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 March 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION**

1. This Office Action is response to the communication filed on 03/05/04 in application 09/966,245.

**Claim Rejections - 35 USC § 103**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable Runyan et al (US Patent 6,546,547 hereafter referred to as Harris) in view of Dutta et al (US Publication Number 20040015950 A1 hereafter referred to as Dutta).

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As per claim 1:

Runyan substantially teaches the invention. Runyan teaches:

- a method for tracking acceptance/regression testing of software [abstract, col. 1, lines 5-11] via a network [col. 1, lines 15-20];

comprising:

- receiving data representing a function of the software [abstract] to be tested [col. 5, lines 9-14];
- storing the data representing the function of the software [abstract] be tested in an acceptance/regression testing database [col. 10, lines 29-54];
- receiving an identifier of a technician assigned to test the function [col. 8, lines 4-20];
- storing the identifier in the acceptance/regression testing tracking database [abstract, col. 10, lines 29-54]
- receiving an indication of a result of the technician's testing of the function [abstract, col. 8, lines 26-33].

Runyan does not explicitly teach:

- storing the indication in the acceptance testing tracking database.

However, Runyan does disclose capability of:

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- a functional program testing, regression testing, final (i.e., acceptance) testing, and fix procedure via a network [abstract];
- write report to log file [fig. 5, col. 9, lines 43-49].

In addition, Dutta does explicitly disclose capability of:

- A method and implementation for testing and providing upgraded versions of application program [abstract, col. 1, par. 0001] via a network [col. 4, claim 1] comprising:
  - data stored and saved based on data analysis and data acceptance [col. 3, par. 0026].
  - save test result in persistent medium [col. 4, par. 0027].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to apply the Dutta's data stored and saved based on data analysis and data acceptance capability in conjunction with the Runyan's functional program testing, regression testing, final (i.e., acceptance) testing, and fix procedure via a network in maximizing the functional software testing among client/server environment.

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One of ordinary skill in the art would have been motivated to do so to provide the client/server's tracking acceptance/regression testing of software with mechanism to improve data availability and integrity in ensuring data upgrading performing accuracy as much as possible including new software version, data access authorization, data tracking, etc... That is by utilizing this approach; first, any error or failure occurred in the client/server system can be identified, detected, corrected (i.e., bug-fixing/ Runyan, col. 1, lines 24), and upgraded via data tracking and testing of acceptance/regression software (e.g., Object Oriented Programming (OOP), Runyan, col. 1, line 26].

As per claims 2-3:

Runyan further teaches:

- data representing a function of the software to be tested is received
  - from a vendor [col. 4, lines 55-62];
  - from a client of a vendor [col. 10, lines 20-23].

Dutta further teaches:

- data representing a function of the software to be tested is received

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```
-- from a vendor [col. 1, par. 0006];  
-- from a client of a vendor [col. 1, par. 0007].
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As per claims 4-6:

Runyan substantially teaches the invention. Runyan teaches:

- a method for tracking acceptance/regression testing of software [abstract, col. 1, lines 5-11] via a nework [col. 1, lines 15-20].

Runyan does not explicitly teach:

- a ticket number is a unique sequential number.

However, Runyan does disclose capability of:

- a functional program testing, regression testing, final (i.e., acceptance) testing, and fix procedure [abstract] of software release numbering scheme and identifier [fig. 6A-6C];
- test configuration [fig. 9];
- testing based on device type in a given vendor's or customer's testing [col. 10, lines 20-23].
- a unique test identifier [col. 8, lines 65 through col. 9, lines 23].

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Therefore, it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to realize that the Runyan's functional program testing, regression testing, final (i.e., acceptance) testing, and fix procedure of software release numbering scheme and identifier among client/server environment would have been included such a ticket number is a unique sequential number since Runyan's test configuration, a **unique test identifier**, and device type testing do obviously must have such sequential number in order to performing the software testing.

One of ordinary skill in the art would have been motivated to do so to provide the client/server's tracking acceptance/regression testing of software with mechanism to assign and track each of functional software testing. By utilizing this approach, new software version can be upgraded and track thoroughly end-to-end process.

As per claims 7 and 15:

Runyan substantially teaches the invention. Runyan teaches:

- a method for tracking acceptance/regression testing of software [abstract, col. 1, lines 5-11] via a network [col. 1, lines 15-20];

comprising:

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- receiving an indicator of a severity of a function to be tested [abstract, col. 9, lines 53-65];
- storing the indicator of severity of the function in the database [col. 9, lines 50-51].
- a computer-readable medium containing computer-executable instruction for performing the method [col. 12, lines 44-60].

As per claim 8:

Runyan substantially teaches the invention. Runyan teaches:

- a method for tracking acceptance/regression testing of software [abstract, col. 1, lines 5-11] via a nework [col. 1, lines 15-20];

comprising:

Runyan does not explicitly teach:

- the communication network is an intranet.

However, Runyan does disclose capability of:

- the communication network is an internet [col. 2, line 62].
- local area network (LAN) and wide area network (WAN) [col. 1, lines15-20].

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- network switches and router for specific networking [col. 1, lines 42-65].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to realize that the Runyan's software testing via LAN, WAN, Internet, and other specific networks would have been included such intranet as claimed by Applicant. This is because the intranet is a closed network connected via switches and router for its specific networking environment.

One of ordinary skill in the art would have been motivated to do so to provide the client/server's tracking acceptance/regression testing of software with mechanism to provide a high reliability and integrity testing via a closed network such intranet communication environment. By utilizing this approach, new software version can be upgraded and track securely.

As per claims 9-14:

Runyan further teaches:

- data representing a function of the software to be tested is received
  - from a vendor [col. 4, lines 55-62];

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- from a client of a vendor [col. 10, lines 20-23].
- geographically diverse users [col. 4, lines 20-26];

Runyan does not explicitly teach:

- an authorized group for access to tracking application.

However, Runyan does disclose capability of:

- a functional program testing, regression testing, final (i.e., acceptance) testing, and fix procedure via a network [abstract];
- write report to log file [fig. 5, col. 9, lines 43-49];
- customer monitoring the software testing [col. 4, lines 53-67].

In addition, Dutta further teaches:

- data representing a function of the software to be tested is received
  - from a vendor [col. 1, par. 0006];
  - from a client of a vendor [col. 1, par. 0007].
- user access to application [col. 4, claim 4].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention

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to apply the Dutta's user access to application based on data analysis and data acceptance capability in conjunction with the Runyan's customer monitoring the software testing among client/server environment to enhance the software testing security including access control and authorization.

One of ordinary skill in the art would have been motivated to do so to provide the client/server's tracking acceptance/regression testing of software with mechanism to ensuring end-to-end data integrity and security via traversing intranet and/or internet networking environment. That is by utilizing this approach, only authorized user can access and perform testing and tracking application.

As per claims 16-18:

Due to the similarity of claims 16-18 to claims 1-15 except for a system for tracking acceptance/regression [abstract] testing comprising client/server environment [Runyan, col. 1, lines 50], receiving data, storing data, etc... instead of a method for tracking acceptance/regression testing comprising client/server environment, receiving data, storing data, etc; therefore, these claims are also rejected under the same rationale applied against claims 1-15. **In addition, all of the limitations have been noted in the rejection as per claims 1-15.**

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. A shortened statutory period for response to this action is set to expire THREE (3) months, ZERO days from the date of this letter. Failure to respond within the period for response will cause the application to be abandoned. 35 U.S.C. 133.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dieu-Minh Le whose telephone number is (703)305-9408. The examiner can normally be reached on Monday - Thursday from 8:30 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703)305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DIEU-MINH THAI LE  
PRIMARY EXAMINER  
ART UNIT 2114

DML  
8/11/04